

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION VII  
901 N. 5<sup>TH</sup> STREET  
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION  
AGENCY-REGION VII  
REGIONAL HEARING CLERK

IN THE MATTER OF )  
 )  
SWIFT CHEMICAL & SUPPLIES, INC. ) Docket No. FIFRA-07-2003-0029  
 )  
Respondent ) CONSENT AGREEMENT AND  
 ) FINAL ORDER  
 )

PRELIMINARY STATEMENT

This proceeding for the assessment of a civil penalty was initiated on or about December 2, 2002, pursuant to Section 14 of the Federal Insecticide, Fungicide, and Rodenticide Act (hereinafter called FIFRA), 7 U.S.C. § 136l, when the United States Environmental Protection Agency (hereinafter referred to as "Complainant" or "EPA") issued a "Complaint and Notice of Opportunity for Hearing" to Swift Chemical & Supplies, Inc. (hereinafter referred to as "Respondent").

The Complaint charged Respondent with violating § 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(2)(L).

Subsequently, Complainant and Respondent entered into negotiations in an attempt to resolve the Complaint. The Consent Agreement and Final Order set forth herein below is the result of these negotiations and represents settlement of this Complaint.

CONSENT AGREEMENT

It is hereby agreed, and accepted by Respondent that:

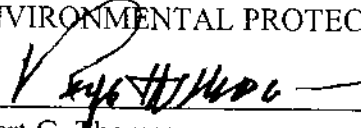
1. This Consent Agreement and Final Order is being entered into by the parties in full settlement of, and release from all FIFRA civil penalties that might have attached as a result of

FINAL ORDER

Pursuant to § 14 of FIFRA, as amended, 7 U.S.C. § 136l, and upon information contained in this Consent Agreement of the parties herein, IT IS HEREBY ORDERED THAT:


Respondent Shall comply with the terms and conditions set forth in the Consent Agreement.

COMPLAINANT:  
U.S. ENVIRONMENTAL PROTECTION AGENCY

By:   
Rupert G. Thomas  
Attorney  
Office of Regional Counsel

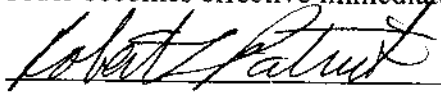
Date: January 26, 2003

RESPONDENT:  
SWIFT CHEMICAL 7 & SUPPLIES, INC.

By:   
Title: Pres.

Date: 2/24/03

IT IS SO ORDERED. This Order becomes effective immediately.

  
Robert L. Patrick  
Regional Judicial Officer  
Region VII

Date: March 3, 2003

the allegations in the Complaint. Respondent has read the Consent Agreement, finds it reasonable and consents to the issuance and its terms and explicitly waives its right to request a hearing on the Complaint, this Agreement, or the attached Final Order.

2. Respondent admits the jurisdictional allegations of the Complaint and admits the facts stipulated in this Consent Agreement.

3. Respondent neither admits nor denies the violations of FIFRA as set forth in the Complaint. Respondent has had no production for the reporting period, and requested the termination of its establishment registration within 20 calendar days after receipt of the Complaint.

4. Respondent certifies by signing this Consent Agreement and Final Order that to its knowledge it is presently in compliance with FIFRA, 7 U.S.C. § 136 et. seq., and all regulations promulgated thereunder.

5. Nothing in this Consent Agreement shall be construed as a release from, or to insulate Respondent from, any other action under any law and/or regulation administered by the U.S. Environmental Protection Agency.

6. Each party shall bear its own costs and attorneys' fees in the action resolved by this Consent Agreement and Final Order.

7. Each signatory of this Agreement certifies that he or she is fully authorized to enter into the terms of this Consent Agreement and Final Order.

8. Respondent consents to the issuance of the Final Order hereinafter recited.

IN THE MATTER OF Swift Chemical & Supplies, Inc.  
Docket No. FIFRA-07-2003-0029

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy hand delivered to  
Attorney for Complainant:

Rupert G. Thomas  
Attorney  
Region VII  
United States Environmental Protection Agency  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101

Copy by First Class Mail Return Receipt:

Robert L. Cooley, Jr.  
Registered Agent for  
Swift Chemical & Supplies, Inc.  
H-33, Route 4  
Lake Lotawana, MO 64063

Dated: 3/3/2

*Kathy Robinson by Shelby White*  
Kathy Robinson  
Regional Hearing Clerk